

January 28, 2025

VIA CM/ECF

Clifton Cislak
Clerk, United States Court of Appeals for the D.C. Circuit
E. Barrett Prettyman United States Courthouse & William B. Bryant Annex
333 Constitution Ave., NW
Washington, DC 20001

Re: Talbott et al. v. United States, No. 25-5087 (argued Jan. 22, 2026)

Dear Mr. Cislak:

Pursuant to F.R.A.P. 28(j), Plaintiffs-Appellees write to advise the court of significant and pertinent information that has come to their attention after oral argument.

At oral argument, counsel for Defendants-Appellants represented to the court that “[n]o one has been discharged under the [Hegseth] Policy at this particular time.”¹ Presumably, counsel was referring to *involuntary* separations, as many transgender servicemembers—including several Plaintiffs-Appellees—have undergone the so-called “voluntary separation” process or early retirement process under the Hegseth Policy and been discharged from military service. Counsel’s representation was, however, inaccurate with respect to involuntary separations as well. Following the hearing, Plaintiffs-Appellees were contacted by multiple former service members who were involuntarily separated pursuant to the Hegseth Policy.

One such individual, Thackery Keuma,² served for 12 years as a member of the New Mexico Army National Guard. Mr. Keuma underwent an administrative separation board in October 2025. The board reached a determination to involuntarily separate Mr. Keuma under the Hegseth Policy because he is transgender. Although the board also recommended that the separation be stayed

¹ Audio recording of oral argument (Jan. 22, 2026) at 00:03:35, available at <https://www.youtube.com/watch?v=pIEzQliyn1E>; *see also id.* at 00:30:10.

² A declaration from Mr. Keuma is attached to this letter as Exhibit A.

for 12 months pending the outcome of litigation challenging the Hegseth Policy, his reenlistment was barred, and he was discharged.

Another individual, Angela Troska,³ served for over 20 years as an enlisted member of the U.S. Coast Guard. On September 22, 2025, she was informed that she would be separated from the military under transgender military ban, effective October 29, 2025. She did not receive an administrative separation board, and her separation was finalized on December 17, 2025. Her separation paperwork states, “Involuntary separation pursuant to E.O. 14183.”

Plaintiffs-Appellees raise these examples to ensure that the Court is aware of the ongoing harms faced by transgender service members who face past or imminent discharge due to the transgender military ban.

Sincerely,

/s/ Michael Haley

Michael Haley

Attorney for Plaintiffs-Appellees

³ A declaration from Ms. Troska is attached to this letter as Exhibit B.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NICOLAS TALBOTT <i>et al.</i> ,)	
)	
Plaintiffs-Appellees,)	
)	
v.)	No. 25-5087
)	
UNITED STATES OF AMERICA <i>et al.</i> ,)	
)	
Defendants-Appellants.)	
_____)	

DECLARATION OF THACKERY KEUMA

I, Thackery Keuma, declare as follows:

1. I was a 29-year-old Sergeant in the New Mexico Army National Guard. I enlisted on or about October 24, 2013, when I was 17 years old. I served my country honorably for over 12 years. I am transgender.

2. I was scheduled for reenlistment on July 1, 2025. On June 30, 2025, I passed my physical fitness test in anticipation of reenlisting. However, my command did not immediately pass on my passing fitness test score, which delayed my reenlistment process.

3. On July 13, 2025, I was notified that my command had identified me for separation under the Hegseth Policy because I am transgender.

4. On August 22, 2025, I received an official separation notice, recommending that I be separated under the Hegseth policy and offering me the right

to have my case heard by a three-member administrative separation board.

5. On October 19, 2025, I went before the administrative separation board. The board recommended that I be separated under the Hegseth Policy because I am transgender. A copy of the board's recommendation is attached to this Declaration as Exhibit A-1.

6. The board further recommended that my separation be stayed for 12 months to allow time for litigation challenging the Hegseth Policy to play out.

7. Because the board had recommended that my separation be stayed for 12 months, I immediately attempted to proceed with my reenlistment.

8. Notwithstanding the board's recommendation, I was barred from reenlisting and discharged from the New Mexico National Guard effective November 4, 2025.

9. A true and accurate copy of my Discharge Order is attached to this Declaration as Exhibit A-2. Although the discharge order states that my discharge was "voluntary," this is only because I was barred from reenlisting and my prior enlistment term expired. My separation was against my will. If I had not been recommended for involuntary separation pursuant to the Hegseth Policy, I would continue to serve my country honorably as I have done for over 12 years.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 28, 2026

THACKERY Digitally signed by
B KEUMA THACKERY B KEUMA
Date: 2026.01.28
08:45:31 -07'00'

Thackery Keuma

**Enlisted Administrative Separation Board of Officers
In the matter of
SGT Thackery Keuma**

FINDINGS AND RECOMMENDATIONS OF THE BOARD

1. In the administrative separation board convened to determine whether or not Respondent **SGT Thackery Keuma** should be separated from the Army prior to the expiration of the Soldier's current term of service, under the provisions of the Secretarial Plenary Authority, as defined in AR 135-178, Chapter 13. The board, in closed session and upon secret ballot with a majority vote taken, has made the following findings and recommendations:

2. Findings. The board, having carefully considered the evidence before it, finds:

a. The action to separate SGT Thackery Keuma due to the condition of gender dysphoria pursuant to the Secretarial Plenary Authority directive, as defined in AR 135-178, Chapter 13, and subsequent direct orders **(is) (is not)** supported by a preponderance of the evidence.

b. The findings **(do) (do not)** warrant separation with respect to Secretarial Plenary Authority directive, as defined in AR 135-178, Chapter 13.

3. Recommendations. In view of the above findings, the board recommends that Respondent be:

a. Retained in the New Mexico Army National Guard and the United States Army.

OR

b. Separated from the New Mexico Army National Guard and the United States Army with a characterization of service of:

honorable

general (under honorable conditions)

c. It is recommended that the execution of this separation will be suspended and automatically remitted if not vacated, for a period of twelve (12) months.


Date 19 OCT 2025



President LTC Schatzman



Member LTC Cazares



Member MAJ Kessel

REPORT OF PROCEEDINGS BY BOARD OF OFFICERS

Note. Completed forms may contain personally identifiable information and require handling as set forth in AR 340-21.
For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Miguel Agular, MG
(Appointing authority)

on 20251016 (Attach enclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-13, AR 15-6.)
(Date)

SECTION II - SESSIONS

1. The (board) commenced at CFMO Conference Room, Ste 163, JFHQ, Ornate Complex, Santa Fe, NM at 0830
(Place) (Time)

on 20251019 (If a board met for more than one session, check here . Indicate in an enclosure the time each session began and
(Date)

ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present:
(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

President of the Board LTC Joshua Schatzman, Member: LTC Francisco Cazares; Member MAJ Anthony Kessel; Legal Advisor LTC Raymond Chung; Respondent SGT Thackery B. Keuma; Respondent Counsel MAJ Zachary Jones; Recorder CPT Clinton Dow; Reporter SSG Katherine Swatsworth.

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (board) finished gathering/hearing evidence at 1304 on 20251019
(Time) (Date)
and completed findings and recommendations at 1448 on 20251019
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1.	Enclosures (para 3-13, AR 15-6) Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The memorandum of appointment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any? (See item 9, below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. An Executive Summary, Index of Exhibits, Chronology of the Investigation and lists of all persons interviewed and evidence gathered. (Complex, serious and/or high profile cases)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. Information as to sessions of a board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.
^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in the board.

SECTION VI - AUTHENTICATION (para 3-15, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

CPT Clinton Dow _____
(Recorder)

LTC Joshua Schatzman _____
(President)

LTC Francisco Cazares _____
(Member)

MAJ Anthony Kessel _____
(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-15, AR 15-6)

To the extent indicated in Enclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPROVING AUTHORITY (para 2-8, AR 15-6)

The findings and recommendations of the board are:

a) Approved.

b) Approved with the following modifications:

(1) The following findings of fact are added/deleted:

(2) The following findings of fact are modified as follows:

(3) The following recommendations are added/deleted:

(4) The following recommendations are modified as follows:

(5) The action recommended in recommendation _____ has been accomplished by _____

(6) Recommendation(s) _____ is not appropriate for action by this command, however, a copy of this investigation is being furnished to _____ for such action as deemed appropriate.

c) Disapproved.

d) The report is (incomplete), (ambiguous), (erroneous) and/or (specify deficiency) with respect to _____

It is, therefore, hereby returned to the board for corrective action as follows _____



New Mexico Army Natl Guard

04 November 2025

Order Number: 0024886789.00

EMPLID: 0003214613

Assignment ID: 228531894

SGT KEUMA, THACKERY BINX 1470836764 WP8KT0 - Las Cruces, NM 88001-9006

Member Address:



Albuquerque, NM 87112

Action: Separation

Reason: Discharge - Voluntary

Effective Date: 23 October 2025

Report To: W98Z0Y - W0CQ ARCHIVED RECORD

1600 SPEARHEAD DIVISION AVENUE, FORT KNOX, KY 40122

Position Number: R0000016

Position Title: PARALEGAL NCO

Assignment Loss Reason: ER - EXP TERM/SVC

Character of Service: A - HONORABLE

Major Personnel Action: BF - EXP SEL RES OBLIG

Additional Information:

By Authority of The Adjutant General, New Mexico Army Natl Guard

Approved By: CW2 CHRISTINE SIMPSON, AGR-W8BMAA-G1-OPM/EPM OIC, W8BMHD



EXHIBIT B

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NICOLAS TALBOTT <i>et al.</i> ,)	
)	
Plaintiffs-Appellees,)	
)	
v.)	No. 25-5087
)	
UNITED STATES OF AMERICA <i>et al.</i> ,)	
)	
Defendants-Appellants.)	
_____)	

DECLARATION OF ANGELA TROSKA

I, Angela Troska, declare as follows:

1. I was a 38-year-old Petty Officer Second Class in the United States Coast Guard Reserves. I enlisted on or about August 29, 2005. I have served my country honorably for over 20 years. I am transgender.

2. On July 22, 2025, my command identified me for separation pursuant to the transgender military ban.

3. On September 22, 2025, I was told that I would be separated effective October 29, 2025.

4. I did not receive an administrative separation board or other process to challenge my separation. It is my understanding that the Coast Guard is not providing administrative separation boards to enlisted members who are separated pursuant to the transgender military ban.

EXHIBIT B

5. My separation was ultimately finalized On December 17, 2025, and I was separated involuntarily from the Coast Guard.

6. A true and accurate copy of my Separation Authorization is attached to this Declaration as Exhibit B-1. The Separation Authorization states that my discharge is an “[i]nvoluntary separation pursuant to E.O. 14183.”

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT B

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 28, 2026


Angela Troska - 1/28/2026 11:32:06 PST

Angela Troska

2007161

DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD System Generated		SEPARATION AUTHORIZATION		
Emplid: 2007161	Name: TROSKA, ANGELA JAMES	Rank: GM2	Effective Date: 2025-10-29	Member Submit:
Deptid: 007215	Dept Name: SEC SAN DIEGO ENG/SUPPORT DIV		Last Day of Active Duty: 2025-10-29	
Request Type: Enlisted Separation Request		Request Status: Approved		Request Source: Headquarters
Entered By: 2068021			Date: 2025-09-29	

SEPARATION INFORMATION

Article/Law: EO14183 Executive Order	
Sep/Ret Type: Involuntary Separation Pursuant to Executive Order 14183	
DD214: JFF Secretarial Authority	
Character of Service: Honorable	Pay Type Code:

THIS SEPARATION ACTION HAS BEEN AUTHORIZED PURSUANT TO CG PSC-RPM DECISION AND IS ISSUED BY CG PSC-RPM-1.

Your Commanding Officer (CO) shall recover and destroy any government-sponsored personal credit card held by you and make all reasonable efforts to ensure any account balance is resolved prior to your last day on active duty. Your CO shall notify your unit credit card coordinator who shall cancel your account. Final travel expenses are not to be charged against a government-sponsored personal credit card.

Prior to departure you shall provide your command an address where official letters, memos, and documents can be forwarded to.

Ensure all required security briefings and forms are completed prior to departing your unit.

This separation order is now part of your official record and should be filed in your CGMHRR. The action and information this order represents is available to any future Coast Guard board.

Your Coast Guard Military Resource Record (CGMHRR) is viewable in the interactive Personnel Electronic Records Management System (iPERMS) at: <https://iperms.mymilrecord.uscg.mil/login/>.

More information can be found at https://uscg.sharepoint-mil.us/sites/psc_spo/psc-bops/SitePages/Military-Records.aspx, or at <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Human-Resources-CG-1/Personnel-Service-Center-PSC/BOPS/PSC-BOPS-C/CGMHRR/>.

Your unit P&A will complete your DD-214-1.

ASSIGN REENLISTMENT CODE RE-3.

Comply immediately with the Military Separations Manual (chapter 1.H for separations, chapter 3.C for retirement) and Chapter 3 of the USCG Medical Manual concerning physical examinations.

ADVISE COMMANDER, PERSONNEL SERVICE CENTER RPM-1 IF DISCHARGE NOT EFFECTED BY DATE INDICATED ABOVE.


PLACE COPY OF THIS AUTHORIZATION ORDER IN MEMBER'S CGMHRR.

Questions concerning this separation authority may be addressed to HQS-SMB-PSC-RPM-1-Status@uscg.mil. Questions concerning separation entitlements, requirements, or transition benefits should be addressed with your command, SPO, and transition staffs.

Involuntary separation pursuant to E.O. 14183.

Active duty Service members may be eligible for separation pay IAW 10 U.S.C Section 1175a. Eligible Service members being involuntarily separated will be paid separation pay at the normal rate pursuant to 10 U.S.C Section 1175a.

Transition Medical and Dental Benefits (TAMP) is authorized to all eligible personnel separating pursuant to Executive Order 14183.


G. J. SHANNON, LWO-PE254